

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANNEMARIE MALLOZZI, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

v.

INDUSTRIAL ENTERPRISES OF AMERICA, INC.,  
JOHN MAZZUTO, JORGE YEPES, DENNIS  
O'NEILL, and JAMES MARGULIES,  
Defendants.

Case No. 1:07-10321 (GBD)

**NOTICE OF MOTION  
TO ADMIT COUNSEL  
*PRO HAC VICE***

-----X  
PLEASE TAKE NOTICE THAT, pursuant to Rule 1.3(c) of the Local Rules of this Court, I, Edward Hayum, a member in good standing of the bar of this Court, move for an Order allowing the admission *pro hac vice* of the following attorneys to act as counsel for Defendant Industrial Enterprises of America, Inc. in this matter:

H. Robert Fiebach, Esq.  
Cozen O'Connor  
1900 Market Street  
Philadelphia, PA 19103  
Tel: 215-665-2000  
Fax: 215-665-2013

David M. Doret, Esq.  
Cozen O'Connor  
1900 Market Street  
Philadelphia, PA 19103  
Tel: 215-665-2000  
Fax: 215-665-2013

Submitted, in support of this Motion, are Affirmations of counsel in support of the motion of each of the forenamed applicants for admission, the Affidavits of each of the applicants with Certificates of Good standing appended, and a proposed Order.

Plaintiffs' counsel have stated that they will not oppose this motion.

Dated: August 1, 2008

Respectfully submitted,

/s/ Edward Hayum (EH 8434)

COZEN O'CONNOR

45 Broadway Atrium

Suite 1600

New York, New York 10006-3792

Tel.: 212-509-9400

Fax: 212-509-9492

Email: [ehayum@cozen.com](mailto:ehayum@cozen.com)

*Attorneys for Defendant*

*Industrial Enterprises of America, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANNEMARIE MALLOZZI, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS SIMILARLY  
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JOHN MAZZUTO, JORGE YEPES, DENNIS  
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Defendants.  
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Case No. 1:07-10321 (GBD)

**AFFIRMATION OF  
EDWARD HAYUM  
IN SUPPORT OF MOTION  
OF H. ROBERT FIEBACH  
FOR ADMISSION  
*PRO HAC VICE***

Edward Hayum, an attorney at law duly admitted to practice before this Court, affirms as follows, under the penalties of prejudice:

1. I am a member of the law firm of Cozen O'Connor, 45 Broadway Atrium, New York, New York 10006, attorneys for Defendant Industrial Enterprises of America, Inc. in the captioned matter.

2. I am fully familiar with the facts and circumstances as set forth herein, and make this Affirmation in support of the application of H. Robert Fiebach, Esq., for admission *Pro Hac Vice* on behalf of Industrial Enterprises of America, Inc. in the captioned matter.

3. Mr. Fiebach is a Member of the firm of Cozen O'Connor, and has practiced law for 44 years.

4. The Defendant Industrial Enterprises of America, Inc. has requested that Mr. Fiebach represent it as lead counsel in this matter.

5. The undersigned knows Mr. Fiebach to be an attorney of the highest personal and professional qualifications, and to be a member in good standing of the bar of the

Commonwealth of Pennsylvania, as set forth in Mr. Fiebach's accompanying Affidavit. A Certificate of Good Standing from the Commonwealth of Pennsylvania is attached to Mr. Fiebach's Affidavit.

6. The undersigned submits to the Court that Mr. Fiebach is an attorney who would do justice to both his client and the Bar. The Court is respectfully referred to Mr. Fiebach's Affidavit concerning his specific qualifications.

7. The undersigned respectfully requests that H. Robert Fiebach, Esq. be admitted *Pro Hac Vice* in the captioned action with respect to the prosecution of this case.

8. I certify that all of the foregoing statements made by me are true, and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: New York, New York  
July 28, 2008

  
\_\_\_\_\_  
EDWARD HAYUM (EH 8434)

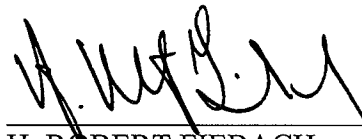


5. I have been asked to take of the defense of this matter on behalf of my client, and my involvement in this action will aid in moving this matter expeditiously to trial.

6. If the Court shall allow my Motion to Appear *Pro Hac Vice* in the above-captioned matter, I will continue to represent my client in this proceeding until the final determination thereof, and with reference to all matters and proceedings. I agree that I shall be subject to the orders and be amenable to a disciplinary action and the civil jurisdiction of the Court in all respects as if I were regularly admitted and a licensed member of the Bar of this Court in good standing.

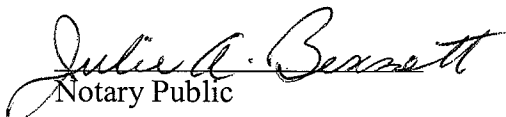
7. Also appearing in these proceedings is Edward Hayum, an attorney resident in Cozen O'Connor's New York office and duly and legally admitted to practice law in the State of New York and in the United States District Court for the Southern district of New York upon whom service may be had in all matters in connection with the above-captioned case.

8. I certify that all of the foregoing statements made by me are true, and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

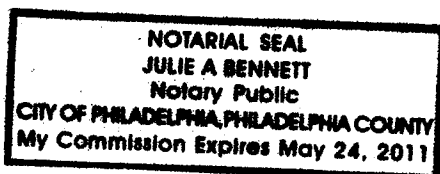


H. ROBERT FIEBACH

Sworn to and Subscribed  
before me this 31st day  
of July 2008



Notary Public





Supreme Court of Pennsylvania

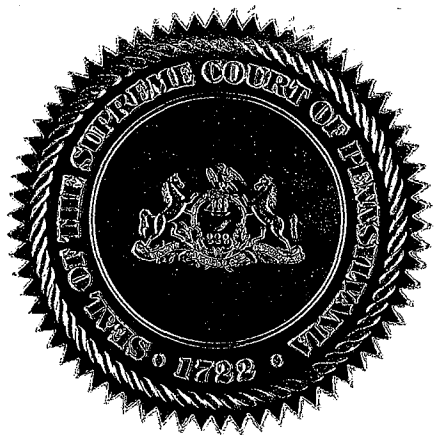
**CERTIFICATE OF GOOD STANDING**

***H. Robert Fiebach, Esq.***

**DATE OF ADMISSION**

***April 26, 1965***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: July 29, 2008**

A handwritten signature in black ink, reading "Patricia A. Johnson".

Patricia A. Johnson  
Chief Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANNEMARIE MALLOZZI, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

v.

INDUSTRIAL ENTERPRISES OF AMERICA, INC.,  
JOHN MAZZUTO, JORGE YEPES, DENNIS  
O'NEILL, and JAMES MARGULIES,

Defendants.  
-----X

Case No. 1:07-10321 (GBD)

**AFFIRMATION OF  
EDWARD HAYUM  
IN SUPPORT OF MOTION  
OF DAVID M. DORET  
FOR ADMISSION  
*PRO HAC VICE***

Edward Hayum, an attorney at law duly admitted to practice before this Court, affirms as follows, under the penalties of prejudice:

1. I am a member of the law firm of Cozen O'Connor, 45 Broadway Atrium, New York, New York 10006, attorneys for Defendant Industrial Enterprises of America, Inc. in the captioned matter.

2. I am fully familiar with the facts and circumstances as set forth herein, and make this Affirmation in support of the application of David M. Doret, Esq., for admission *Pro Hac Vice* on behalf of Industrial Enterprises of America, Inc. in the captioned matter.

3. Mr. Doret is an of counsel attorney with the firm of Cozen O'Connor, and has practiced law for 36 years.

4. The Defendants have requested that Mr. Doret assist lead counsel in the defense of this matter.

5. The undersigned knows Mr. Doret to be an attorney of the highest personal and professional qualifications, and to be a member in good standing of the bar of the



Commonwealth of Pennsylvania, as set forth in Mr. Doret's accompanying Affidavit. A Certificate of Good Standing from the Commonwealth of Pennsylvania is attached to Mr. Doret's Affidavit.

6. The undersigned submits to the Court that Mr. Doret is an attorney who would do justice to both his client and the Bar. The Court is respectfully referred to Mr. Doret's Affidavit concerning his specific qualifications.

7. The undersigned respectfully requests that David M. Doret, Esq. be admitted *Pro Hac Vice* in the captioned action with respect to the prosecution of this case.

8. I certify that all of the foregoing statements made by me are true, and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: New York, New York  
July 28, 2008

  
\_\_\_\_\_  
EDWARD HAYUM (EA 8434)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNEMARIE MALLOZZI, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Case No. 1:07-10321 (GBD)

Plaintiff,

V.

INDUSTRIAL ENTERPRISES OF AMERICA, INC.,  
JOHN MAZZUTO, JORGE YEPES, DENNIS  
O'NEILL, and JAMES MARGULIES,

**AFFIDAVIT OF  
DAVID M. DORET  
IN SUPPORT OF MOTION  
FOR ADMISSION  
*PRO HAC VICE***

Defendants.

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
COUNTY OF PHILADELPHIA )

I, DAVID M. DORET, being duly sworn, depose and say:

1. My name is David M. Doret and I have been a practicing attorney in the Commonwealth of Pennsylvania since September, 1972 (Attorney I.D. No. 15634). I am an of counsel attorney with the law firm of Cozen O'Connor, which maintains offices at 45 Broadway Atrium, New York, New York 10006. I make this Affidavit in support of my application for admission *Pro Hac Vice* on behalf of the defendants in the above-captioned matter.

2. I am a member in good standing of the Bar of the Commonwealth of Pennsylvania (admitted in 1972). Attached hereto is a certificate of good standing issued by the Clerk of the Pennsylvania Supreme Court.

3. There have not been any disciplinary proceedings or criminal charges instituted against me in any state.

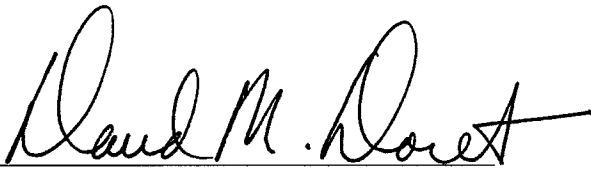
4. I have never been held in contempt of any court in any state.

5. I am working with H. Robert Fiebach, lead counsel on behalf of defendant industrial Enterprises of America, Inc., in the defense of this matter, and my involvement in this action will aid in moving this matter expeditiously to trial.

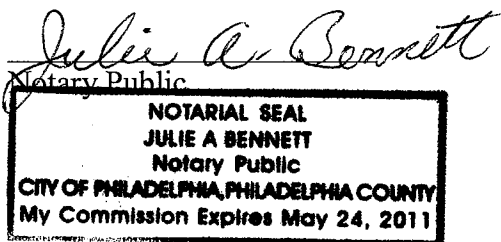
6. If the Court shall allow my Motion to Appear *Pro Hac Vice* in the above-captioned matter, I will continue to represent my client in this proceeding until the final determination thereof, and with reference to all matters and proceedings. I agree that I shall be subject to the orders and be amenable to a disciplinary action and the civil jurisdiction of the Court in all respects as if I were regularly admitted and a licensed member of the Bar of this Court in good standing.

7. Also appearing in these proceedings is Edward Hayum, an attorney resident in Cozen O'Connor's New York office and duly and legally admitted to practice law in the State of New York and in the United States District Court for the Southern District of New York, and upon whom service may be had in all matters in connection with the above-captioned case.

8. I certify that all of the foregoing statements made by me are true, and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
DAVID M. DORET

Sworn to and Subscribed  
before me this 31<sup>st</sup> day  
of July, 2008





Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

***David Maris Doret, Esq.***

**DATE OF ADMISSION**

***September 14, 1972***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: July 29, 2008

A handwritten signature in black ink, reading "Patricia A. Johnson".

Patricia A. Johnson  
Chief Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANNEMARIE MALLOZZI, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

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JOHN MAZZUTO, JORGE YEPES, DENNIS  
O'NEILL, and JAMES MARGULIES,

Defendants.  
-----X

Case No. 1:07-10321 (GBD)

**ORDER FOR  
ADMISSION  
*PRO HAC VICE***

Upon the Motion of Edward Hayum, attorney for defendant Industrial Enterprises of America, Inc., the Affidavits of H. Robert Fiebach and David M. Doret, and the Affirmations in support of Edward Hayum,

IT IS HEREBY ORDERED that H. Robert Fiebach, and David M. Doret, both of Cozen O'Connor, 45 Broadway, New York, New York 10006, are admitted to practice *pro hac vice* as counsel for defendant Industrial Enterprises of America, Inc. in the captioned matter pending in the United States District Court for the Southern District of New York.

All attorneys appearing before the Court are subject to the Local Rules of the Court, including the rules governing discipline of attorneys. Said attorneys shall immediately apply for ECF passwords at [nysd.uscourts.gov](http://nysd.uscourts.gov).

This Order confirms H. Robert Fiebach's and David M. Doret's appearance of counsel in this case, and the appearances will be entered on the Court's docket. A notation of the admission *pro hac vice* for this case will be made on the roll of attorneys and counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

The attorneys admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

ORDERED this \_\_\_\_\_ day of August, 2008.

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UNITED STATES DISTRICT JUDGE